

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)  
4 Chief, Criminal Division

5 JOSHUA HILL (CABN 250842)  
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S  
8 Oakland, California 94612  
9 Telephone: (510) 637-3740  
10 Facsimile: (510) 637-3724  
11 E-Mail: Joshua.Hill2@usdoj.gov

12 Attorneys for the United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, ) No. 4-08-070461 WDB  
18 vs. )  
19 JOSE ANTONIO AGUILAR ESQUIVEL, ) STIPULATION AND ORDER  
20 Plaintiff, ) REGARDING WAIVER OF TIME  
21 ) PROVISIONS OF RULE 5.1 AND 18 U.S.C.  
22 ) § 3161(b) AND SETTING DATE FOR  
23 ) STATUS HEARING  
24 Defendant. )  
25 )  
26 )

27 IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill,  
28 and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of  
29 this matter shall be set for December 10, 2008 at 10:00 a.m. Defendant and his counsel continue  
30 to waive the provisions of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a  
31 preliminary hearing to be held within 10 days of his initial appearance. The United States and  
32 defendant continue to discuss the possible resolution of this matter, which may also include  
33 resolution of charges currently pending in the Eastern District of Washington. Defendant's

1 waiver is based on the need for continuity of counsel and reasonable time necessary for effective  
2 preparation. The defense agrees that the waiver covers all time between November 19, 2008 and  
3 December 10, 2008.

4 IT IS SO STIPULATED:

5 Dated: November 19, 2008

/s/ Mike McDonnell  
MIKE McDONNELL  
Attorney for Defendant

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8 Dated: November 19, 2008

/s/ Joshua Hill  
JOSHUA HILL  
Assistant United States Attorney

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## ORDER

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Dated: November 20, 2008

  
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HONORABLE WAYNE D. BRAZIL  
United States Magistrate Judge